“माजी सैनिक” यांना शासन सेवेतील गट 'क'
व गट 'ड' च्या पदावर भरतीसाठी सवलत
देणेबाबत.

महाराष्ट्र शासन

सामान्य प्रशासन विभाग

शासन निर्णय क्रमांकः मासैक-१०१२/प्र.क्र. १९८/१६-अ

मंत्रालय, मुंबई-४०० ०३२.

तारीख: ३०/०४/२०१३.

वाचा —

१) शासन निर्णय, सामान्य प्रशासन विभाग, क्रमांक. आरटीए-१०७३-व्ही, दिनांक ०८.०५.१९७३.

२) शासन परिपत्रक, सामान्य प्रशासन विभाग क्रमांक. आरजीए-१०७९/०/४८२/१६-अ, दिनांक ०३.०७.१९८०.

३) शासन परिपत्रक, सामान्य प्रशासन विभाग क्रमांक. आयपीई/आरटीए-१०८०/०/१८१/१६-अ, दिनांक १०.१०.१९८०.

४) शासन परिपत्रक, सामान्य प्रशासन विभाग क्रमांक. आरजीए-१०७९/०/४८२/१६-अ, दिनांक १६.०४.१९८१.

५) शासन परिपत्रक, सामान्य प्रशासन विभाग क्रमांक. आरजीए-१०८२/३५०२/सीआर-१००/१६-अ, दिनांक ०२.०९.१९८३.

६) शासन शुध्दीपत्रक, सामान्य प्रशासन विभाग क्रमांक. मासैक-१०१०/ प्र.क्र.२७९/१०/१६-अ, दिनांक २०.०८.२०१०.

प्रस्तावना —

माजी सैनिकांना तसेच युध्दात/सैन्यदलातील सेवेत मृत्यू पावलेल्या किंवा अपंग झालेल्या सैनिकांच्या कुटुंबियांना शासन सेवेत प्रवेशाकरिता आरक्षण व वयोमर्यादेत सूट व अन्य सवलती वेळोवेळी देण्यात आल्या आहेत.

संदर्भीय दिनांक ०८/०५/१९७३ च्या शासन निर्णयानुसार माजी सैनिकांना गट "क" व गट "ड" मधील सेवांमध्ये १५ % समांतर आरक्षण देण्यात आले होते. सदर आरक्षण संदर्भाधीन क्रमांक २ येथील दिनांक ०३/०७/१९८० च्या शासन निर्णयान्वये कायमस्वरुपी लागू करण्यात आले आहे.

माजी सैनिकांना वयोमर्यादा व अन्य सवलती संदर्भात वेळोवेळी निर्गमित केलेले शासन निर्णय विचारात घेऊन दिनांक १६/०४/१९८१ च्या शासन निर्णयान्वये वयोमर्यादा व अन्य सवलती लागू करणात आल्या आहेत.

केंद्र शासनाच्या दिनांक ०७/०९/१९८१ व दिनांक १७/०७/१९८६ च्या कार्यालयीन ज्ञापनान्वये केंद्र शासनाने गट "अ" व गट "ब" मधील नागरी सेवांमध्ये वयोमर्यादा सवलत माजी सैनिकांना लागू केली आहे. त्यास अनुसरून राज्य शासनाने गट "अ" व गट "ब" मधील सेवांमध्ये वयोमर्यादा सवलत दिनांक २८/०५/१९९२ च्या शासन निर्णयान्वये लागू केली आहे. सदर शासन निर्णयात "माजी सैनिक" कोणाला संबोधावे याची केंद्र शासनाने दिनांक २७/१०/१९८६, दिनांक २७/०३/१९८७ व दिनांक १४/०४/१९८७ च्या कार्यालयीन ज्ञापनान्वये सुधारित केलेली व्याख्या सामान्य प्रशासन विभागाच्या कार्यासन २८ यांनी दिनांक ११/०३/१९८८ च्या पृष्ठांकनान्वये प्रस्तुत केली होती व ती गृहित धरण्याचे नमूद केले आहे. सदरची व्याख्या गट "क" व गट "ड" मधील सेवांसाठी त्यातील स्पष्टीकरणासह विचारात घेण्याचा प्रस्ताव शासनाच्या विचाराधीन होता. यासंदर्भात शासनाने खालींल प्रमाणे निर्णय घेतला आहे.

शासन निर्णय—

राज्य शासनातील शासकीय/निमशासकीय सेवेतील गट "क" व गट "ड" मधील पदांकरिता माजी सैनिक कोणाला संबोधावे याबाबत केंद्र शासनाने दिनांक २७/१०/१९८६, दिनांक २७/०३/१९८७ व दिनांक १४/०४/१९८७ च्या कार्यालयीन ज्ञापनान्वये सुधारीत व्याख्या प्रसिध्द केली आहे व ती सामान्य प्रशासन विभाग, कार्यासन २८ यांनी दिनांक ११/०३/१९८८ च्या पृष्ठांकनान्वये प्रसृत केली आहे, ती व्याख्या त्यातील स्पष्टीकरणासह विचारात घेण्यात यावी. त्या स्पष्टीकरणानुसार दिलेली सवलत गट क व गट ड मधील सेवांसाठीही लागू राहिल. सदर स्पष्टीकरण खालीलप्रमाणे आहे-

"Explanation — The persons serving in the Armed Forces of the Union, who on retirement from service, would come under the category of 'ex-servicemen', may be permitted to apply for re-employment one year before the completion of the specified terms of engagement and avail themselves of all concessions available to ex-servicemen but shall not

be permitted to leave the uniform until they complete the specified term of engagement in the Armed Forces of the Union."

(केंद्र शासनाच्या सदर कार्यालयीन अधिसूचना व कार्यालयीन ज्ञापनाच्या छायांकीत प्रती सोबत जोडल्या आहेत.)

प्रस्तुत शासन निर्णय सामान्य प्रशासन विभाग, कार्या. २८ यांच्या सहमतीने निर्गमित करण्यात येत आहे.

सर्व मंत्रालयीन विभाग तसेच त्यांच्या अधिपत्याखालील विविध विभाग प्रमुख/कार्यालय प्रमुख यांनी माजी सैनिक/आणीबाणी व अल्पसेवा राजादिष्ठ अधिका-यांना नेमणूक देतांना वरील निर्णय विचारात घ्यावा. मंत्रालयीन विभागांनी हे आदेश त्यांच्या प्रशासकीय नियंत्रणाखालील संबंधित विभाग प्रमुख, कार्यालय प्रमुख, महानगर पालिका, नगर पालिका, जिल्हा परिषदा, मंडळे, महामंडळे, शासकीय अनुदान प्राप्त संस्था/औद्योगिक संस्था, शासकीय उपक्रमे, इत्यादींच्या निदर्शनास आणावेत.

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेताक २०१३०४३०१२१७२५७००७ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

DINGLE DINESH R

Digitally signed by DINGLE DINESH R
DN: c=IN, o=Government of Maharashtra, ou=GAD, postalCode=400032, st=Maharashtra, cn=DINGLE DINESH R
Date: 2013.05.10 15:52:24 +05'30'

(दि.रा.डिंगळे)

उप सचिव , महाराष्ट्र शासन

सोबत: वरीलप्रमाणे

प्रत,

१. मा. राज्यपालांचे सचिव,.
२. मुख्यमंत्र्यांचे अपर मुख्य सचिव,
३. मा.उपमुख्यमंत्र्यांचे प्रधान सचिव,
४. सर्व मा. मंत्री / मा. राज्यमंत्री यांचे खाजगी सचिव,
५. मा. मुख्य सचिव यांचे स्वीय सहायक,

६. शासनाचे सर्व अपर मुख्य सचिव / प्रधान सचिव / सचिव,

७. * प्रबंधक, उच्च न्यायालय, मूळ न्याय शाखा, मुंबई, औरंगाबाद, नागपूर,

८. * प्रबंधक, उच्च न्यायालय, अपिल शाखा, मुंबई, औरंगाबाद, नागपूर,

९. * प्रबंधक, महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई, औरंगाबाद, नागपूर,

१०. * प्रबंधक, लोक आयुक्त व उप लोक आयुक्त, मुंबई, औरंगाबाद, नागपूर,

११. * सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई,

१२. * सरकारी वकील, उच्च न्यायालय, मूळ शाखा व अपील शाखा, मुंबई, औरंगाबाद, नागपूर,

१३. * सरकारी वकील, महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई, औरंगाबाद, नागपूर,

१४. *प्रधान सचिव, महाराष्ट्र विधानमंडळ सचिवालय, (विधान परिषद) विधानभवन, मुंबई,

१५. * प्रधान सचिव, महाराष्ट्र विधानमंडळ सचिवालय, (विधान सभा) विधानभवन, मुंबई,

१६. * महालेखापाल, लेखा व अनुज्ञेयता महाराष्ट्र-१, मुंबई,

१७. * महालेखापाल, लेखा व अनुज्ञेयता महाराष्ट्र-२, नागपूर,

१८. * सचिव, राज्य निवडणूक आयोग, मुंबई,

१९. * सचिव, राज्य माहिती आयोग, मुंबई

२०. सर्व मंत्रालयीन विभाग,

२१. महासंचालक, माहिती व जनसंपर्क संचालनालय, मंत्रालय, मुंबई-४०० ०३२,

२२. सर्व विभागीय आयुक्त/सर्व जिल्हाधिकारी,

२३. सर्व महानगरपालिकांचे आयुक्त,/

२४. सर्व मुख्याधिकारी, नगरपरिषदा/नगरपालिका,

२५. सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी,

२६. राज्यातील सर्व महामंडळे , मंडळे आणि सार्वजनिक उपक्रम यांचे व्यवस्थापकीय संचालक,

२७. निवड नस्ती/कार्यासन १६-अ

२८. * (पत्राने)

(TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II SECTION 3(I))
No. 36034/5/85-Estt (SCT)
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel and Training)

New Delhi, the 27th October, 1986.

NOTIFICATION

GSR- In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Ex-servicemen (Re-employment in Central civil Services and Posts) Rules, 1979 namely :-

1. (1) These rules may be called the Ex-servicemen (Re-employment in Central Civil Services and Posts) amendment Rules, 1986.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 2 of the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979 for clause (c) the following clause shall be substituted, namely :-

'Ex-servicemen' means a person, who has served in any rank (whether as a combatant or as a non-combatant) in the Regular Army, Navy and Air Force of the Indian Union but does not include a person who has served in the Defence Security Corps, the Central Reserve Engineering Force, the Lok Sahayak Sena and the Para Military Forces; and

(i) who has retired from such service after earning his/her pension; or

(ii) who has been released from such service on medical grounds attributable to military service or circumstances beyond his control and awarded medical or other disability pension; or

(iii) who has been released, otherwise than on his own request, from such service as a result of reduction in establishment; or

(iv) who has been released from such service after completing the specific period of engagement otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency, and has been given a gratuity; and includes personnel of the Territorial Army of the following categories, namely :-

(i) Pension holders for continuous embodied service;

(ii) Persons with disability attributable to military service; and

(iii) Gallantry award winners.

Explanation : The persons serving in the Armed Forces of the Union, who on retirement from service, would come under the category of 'Ex-servicemen', may be permitted to apply for re-employment one year before the completion of the specified terms of engagement and avail themselves of all concessions available to ex-servicemen but shall not be permitted to leave the uniform until they complete the specified term of engagement in the Armed Forces of the Union,

Note :- The principal rules were published vide Notification No. GSR-1530, dated 29th December, 1979 in the Gazette of India, Part-II, section 3, Sub-section (i) at pages 3004-3005.

Sd/- x x
(BATA K. DEY)
DIRECTOR (JCA)

TO BE PUBLISHED IN THE GAZETTE OF INDIA
EXTRAORDINARY, PART SECTION 3(I)

No. 26034/5/85-Estt (SCT)
Government of India
Ministry of Personnel P.G. & Pensions
(Department of Personnel and Training)

New Delhi, the 27th March, 1987.

NOTIFICATION

GSR – In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979, namely :-

1. (1) These rules may be called the Ex-servicemen (Re-employment in Central Civil Services and Posts) Amendment Rules, 1987.

   (2) They shall be deemed to have come into force on the 15th day of November, 1986.

2. In rule 2 of the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979, to clause (c) the following proviso shall be added, namely :-

‘Provided that for the period commencing on the 15th day of November, 1986 and ending with the 30th day of June, 1987, any person who has been released :-

(a) at his own request after completing 5 years’ service in the Armed Forces of the Union;

or

(b) after serving for a continuous period of six months after attestation, otherwise than at his own request of by way of dismissal or discharge on account of misconduct or inefficiency or has been transferred to the reserve pending such release;

shall also deemed to be an ex-serviceman for the purpose for this clause.

NOTE :- Principal rules were published vide Notification No GSR 1530, dated the 29th December, 1979 and subsequently amended vide notification No. GSR-973 dated the 15th November, 1986 in the Gazette of India, Part-II Section-3, Sub-section (i).

Sd/- x x
(Bata K. Dey)
DIRECTOR (JCA)

No. 36034/5/85-Estt (SCT)
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel and Training

New Delhi, dated 14th April, 1987.

OFFICE MEMORANDUM

Subject :- Recommendation No. 15.2 of the High Level Committee the Problems of Ex-servicemen – Re vision of the definition of 'Ex-Servicemen' in the Ex-servicemen (Re-employment in Central Civil Services and Posts), Rules, 1979.

The undersigned is directed to say that the High Level Committee on the Problems of Ex-servicemen recommended the following definition of the term 'Ex-servicemen' :-

"An 'ex-servicemen' means a person, who has served in any rank whether as a combatant or non-combatant in the Regular Army, Navy and Air Force of the Indian Union and

(i) who retired from such service after earning his/her pension; or
(ii) who has been released from such service on medical grounds attributable to military service or circumstances beyond his control and awarded medical or other disability pension; or
(iii) who has been released from such service after completing the specific period of engagements, otherwise than at his own request or way of dismissal or discharge on account of misconduct or inefficiency. and has been given a gratuity; and includes personnel of the Territorial Army of the following categories, namely :-

    (i) Pension holders for continuous embodies service;
    (ii) Persons with disability attributable to military service;
    and
    (iii) Gallantry award winners."

After careful consideration the Government have opted the above definitionrecommended by the High Level Committee. However, it may be observed that in the new suggested definition certain categories of personnel which have served in the Armed Forces of the Union have been excluded for consideration as ex-servicemen, whereas certain additional categories of Territorial Army personnel have been added in the revised definition. The Notification containing the revised definition was issued on 27th October, 1986, and published in the Official Gazette on 15th November, 1986. The Notification gives effect to the new definition from the date its publication, but since some of the categories were excluded without adequate publicity, the effect of the earlier notification 27th October, 1986 has been

stayed by issuing another Notification dated 27th March, 1987 (copy enclosed) in which the date of effect has been indicated as 1st July, 1987. The net effect is that the following two categories of personnel, who were included in the pre-revised definition of 'Ex-servicemen' will now cease to be treated as ex-servicemen with effect from 1st July, 1987; as will be seen from the following proviso, namely :-

"Any person who has been released :-

(a) at his own request after completing 5 years' service in the Armed Forces of the Union;

or

(b) After serving for a continuous period of six months after attestation, otherwise than at his own request or by way of dismissal or discharge on account of mis-conduct or inefficiency or has been transferred to the reserve pending such release;

Shall also deemed to be an ex-servicemen for the purposes of this clause."

3. Territorial Army Personnel will however be treated as ex-servicemen with effect from 15th November, 1986.

4. Ministry of Finance etc ,, are, therefore, requested to bring contents of this Office Memorandum to the notice of all the appointing authorities under their administrative control and ensure that there is no laxity on the part of the authorities implementing the above instructions.

Sd/- x x
(Bata K. Dey)
Director (JCA)